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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052197
Party	Plaintiff Terri Yenko Gould, Executor
Correspondence Address	George E. Bullwinkel 425 Woodside Avenue Hinsdale, IL 60521 UNITED STATES geb@bullwinkel.com
Submission	Opposition/Response to Motion
Filer's Name	George E. Bullwinkel
Filer's e-mail	geb@bullwinkel.com
Signature	/George E. Bullwinkel/
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Attachments	OPPOSITION to GMCI motion for judgment.pdf ( 2 pages )(28191 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Terri Yenko Gould, Executor,	)	
	)	
Petitioner	)	
	)	
v.	)	Cancellation 92052197
	)	
SuperCar Collectibles, Limited	)	
	)	
Registrant	)	
_____	)	

**PETITIONER'S OPPOSITION TO RESPONDENT'S  
MOTION FOR JUDGMENT UNDER 37 CF.R. §2.132**

The Executor of the Estate of Donald Frank Yenke, (The Estate) Petitioner herein, hereby opposes the Respondent/ Registrant General Marketing Capital Inc.'s ("GMCI") motion for judgment under 37 CF.R. §2.132.

GMCI's motion presumes - or more accurately pretends - that this Board will have denied the Estate's motions to accept its testimony and exhibits out of time, which motion was made necessary because of the undersigned's technical difficulties in electronically filing the last 15 of its 34 exhibits, apparently because of certain large graphic images.<sup>1</sup>

That testimony, and all 34 exhibits, had been timely received by GMCI's counsel on or before the close of the Estate's testimony period on April 22, 2011. GMCI was in no way prejudiced in preparing and filing its pretrial disclosures (due May 7, 2011, but still unfiled) and its trial testimony (due June 21, 2011). The TTAB received everything by electronic filing on or about May 14, 2011.

The Estate has moved to deem its testimony and exhibits to have been timely filed. In the interest of justice, and in order to give both parties a full and fair opportunity to present their cases, the Respondent/ Registrant General Marketing Capital Inc.'s ("GMCI") motion for judgment under 37 CF.R. §2.132 must be denied in all respects.

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<sup>1</sup> The undersigned was working from Paris, France through May 15, 2011.

Date: May 19, 2011

Respectfully submitted

/George E. Bullwinkel/

George E. Bullwinkel  
Attorney for Petitioner

George E. Bullwinkel  
425 Woodside Avenue  
Hinsdale, Illinois 60521  
Telephone: (630) 418-2273  
Email [geb@bullwinkel.com](mailto:geb@bullwinkel.com)  
Fax: (630) 214-3210

### **CERTIFICATE OF SERVICE**

George E. Bullwinkel, an attorney of record, hereby certifies that one copy of the foregoing PETITIONER'S OPPOSITION TO RESPONDENT'S MOTION FOR JUDGMENT UNDER 37 CF.R. §2.132 was served by mailing, first class, postage prepaid, on May 19, 2011, and also by electronic mail, to the following:

Robert D. Buyan  
Stout, Uxa, Buyan & Mullins, LLP  
4 Venture, Suite 300  
Irvine, CA 92618

email *[rbuyan@patlawyers.com](mailto:rbuyan@patlawyers.com)*

Attorney for Respondent

/George E. Bullwinkel/  
George E. Bullwinkel